### UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

STACY NUSS, as independent	§	
administrator of the ESTATE OF CODY	§	
BRITTAIN,	§	
Plaintiff,	§	
	§	
VS.	§	<b>CIVIL ACTION NUMBER:</b>
	§	3:18-cv-02192-X
CITY OF SEVEN POINTS, TEXAS, and	§	
CHIEF RAYMOND WENNERSTROM,	§	
JR., SERGEANT BRANDON YOUNG,	§	
OFFICER MATTHEW GREINER,	§	
OFFICER FRANCISCO GOMEZ, and	§	
CHELSEA BEE TAYLOR, in their	§	
individual capacities,	§	
Defendants.	§	

## DEFENDANTS' JOINT NOTICE TO COURT OF RECENT FIFTH CIRCUIT OPINION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Defendant CITY OF SEVEN POINTS, TEXAS, and Defendants CHIEF RAYMOND WENNERSTROM, JR., SERGEANT BRANDON YOUNG, OFFICER MATTHEW GREINER, OFFICER FRANCISCO GOMEZ, and CHELSEA BEE TAYLOR, in their individual capacities, and file this their Joint Notice to Court of Recent Fifth Circuit Opinion, and would respectfully show the Court as follows:

1. Defendants respectfully bring to the Court's attention the recent Fifth Circuit opinion of *Valentine v. Collier*, 2020 U.S. App. LEXIS 32325 (Oct. 13, 2020). In this opinion, with Circuit Judge Don R. Willett writing for the panel, the Fifth Circuit addressed the high standard of deliberate indifference in an Eighth Amendment claim and addressed the proper trial court analysis. While the case at hand is a Fourteenth Amendment claim, the standards for trial court review are analogous. *See Hare v. City of Corinth*, 74 F.3d 633, 644-46 (5<sup>th</sup> Cir. 1996).

Respectfully submitted,

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#### BY:/s/ Darren K. Coleman

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ATTORNEYS FOR DEFENDANTS CITY OF SEVEN POINTS, TEXAS, RAYMOND WENNERSTROM, JR., BRANDON YOUNG, FRANCISCO GOMEZ and CHELSEA BEE TAYLOR

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded to all counsel of record via ECF electronic filing on this the 14th day of October 2020.

Darren K. Coleman

DARREN K. COLEMAN